

SENATE BILL REPORT

SB 6079

As Reported by Senate Committee On:
State Government, Tribal Relations & Elections, January 26, 2018

Title: An act relating to exempting public employee dates of birth from public disclosure requirements.

Brief Description: Exempting public employee dates of birth from public disclosure requirements.

Sponsors: Senators Kuderer, Takko, Ranker, Rolfes, Cleveland, Hasegawa, Palumbo, Saldaña, Wellman, Darneille, Billig, Nelson, Dhingra, McCoy, Liias, Keiser, Hunt, Conway and Chase.

Brief History:

Committee Activity: State Government, Tribal Relations & Elections: 1/19/18, 1/26/18 [DP, DNP].

Brief Summary of Bill

- Exempts public employee dates of birth from public disclosure requirements.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Saldaña.

Minority Report: Do not pass.

Signed by Senators Miloscia, Ranking Member; Zeiger.

Staff: Samuel Brown (786-7470)

Background: Public Records Act (PRA). The PRA, enacted in 1972 as part of Initiative 276, requires that all state and local government agencies make all public records available for public inspection and copying unless certain statutory exemptions apply. Over 500 specific references in the PRA or other statutes remove certain information from application

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of the PRA, provide exceptions to the public disclosure and copying of certain information, or designate certain information as confidential. The provisions requiring public records disclosure must be interpreted liberally while the exemptions are interpreted narrowly to effectuate the general policy favoring disclosure.

Records About Public Employees. Personal information in files maintained for employees, appointees, or elected officials of any public agency is exempt from public inspection and copying to the extent that disclosure would violate the employee's right to privacy. A court must find two elements to determine that a person's right to privacy is invaded: (1) the disclosure would be highly offensive to a reasonable person; and (2) the disclosure is not of legitimate concern to the public. Numerous court decisions have held that certain information in files maintained for public employees is of legitimate public concern and therefore not exempt from disclosure under the PRA.

Various types of employment information are exempt from public disclosure requirements, including the residential addresses, phone numbers, email addresses, social security numbers, and emergency contact information of public agency employees or volunteers.

Summary of Bill: Public employee dates of birth are exempt from public disclosure requirements.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: A lot of our personal information is already being trafficked, and dates of birth can be used to build alternate identities. There is no reason hackers and crooks should get this public employee information and use it for illegitimate purposes. It's time to align the PRA with current technology and what's happening in the world. As a child support enforcement employee, I've been threatened and propositioned. It's scary as a parent knowing that someone could follow me home. This creates a safety issue. We've had to relocate employees to different offices in the state to shield them from certain clients.

CON: It is important for the public, who are the employers, to know exactly who works for them. Where we give public employees power over schoolchildren and vulnerable adults, or the powers of arrest or over incarcerated persons, background checks are required. The date of birth is essential for verifying identity and is readily available from other sources.

Persons Testifying: PRO: Senator Patty Kuderer, Prime Sponsor; Melissa Kover, citizen; Antonio Garcia, citizen.

CON: Rowland Thompson, Allied Daily Newspapers of Washington.

Persons Signed In To Testify But Not Testifying: No one.